

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 202 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 20-12-5.5-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) In addition to
5 projects authorized by the general assembly, the trustees of each higher
6 education institution may engage in any of the following projects so
7 long as there are funds available for the project and the project meets
8 any of the applicable conditions:
9 (1) Each project to construct buildings or facilities of a cost
10 greater than two hundred thousand dollars (\$200,000), or to
11 purchase or lease-purchase land, buildings, or facilities the
12 principal value of which exceeds one hundred thousand dollars
13 (\$100,000), must be ~~reviewed by the commission for higher~~
14 ~~education and~~ approved by the governor upon recommendation of
15 the budget agency. If any part of the cost of the project as
16 specified in section 3 of this chapter is paid by state appropriated
17 funds or by mandatory student fees assessed all students and if the
18 project is to construct buildings or facilities of a cost greater than
19 five hundred thousand dollars (\$500,000), or to purchase or
20 lease-purchase land, buildings, or facilities the principal value of
21 which exceeds three hundred thousand dollars (\$300,000), the
22 project must also be approved by the general assembly. Nothing
23 herein limits the trustees in supplementing projects approved by
24 the general assembly from gifts or other available funds so long
25 as approval for the expansion of projects is given by the governor

on review by the commission for higher education and recommendation of the budget agency.

(2) Each repair and rehabilitation project must be reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency, if the cost of the project exceeds five hundred thousand dollars (\$500,000) and if any part of the cost of the project is paid by state appropriated funds or by mandatory student fees assessed all students. If no part of the cost of the repair and rehabilitation project is paid by state appropriated funds or by mandatory student fees assessed all students, the review and approval requirements of this subdivision apply only if the project exceeds one million dollars (\$1,000,000).

(3) Each project to lease, other than a project to lease-purchase, a building or facility must be reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency, if the annual cost of the project exceeds fifty thousand dollars (\$50,000).

(b) The review and approval requirements of subsection (a)(1) do not apply to a project to construct buildings or facilities or to purchase or lease-purchase land, buildings, or facilities if the project involves the expansion or improvement of housing for students undertaken entirely by a fraternity or sorority at the state educational institution.

SECTION 2. IC 20-12-5.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. To pay the cost of a project authorized under this chapter, the following funds may be used:

(1) Any funds appropriated for the project by the current or any preceding general assembly, subject to allocation of the funds by the state budget agency, with approval of the governor.

(2) Any funds derived from the issuance and sale of bonds by the trustees of any of the higher education institutions, so long as the issuance of the bonds which are to be supported by mandatory student fees assessed all students has been approved by the general assembly for each applicable project.

(3) Any funds derived from earnings, farm and miscellaneous sales, or other receipts, so long as each project to construct buildings or facilities of a cost of greater than ninety thousand dollars (\$90,000) or each project to purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds fifty thousand dollars (\$50,000) is reviewed by the commission for higher education and approved by the governor, on recommendation of the budget agency.

(4) Any federal funds granted and allowed a higher education institution for a project to construct buildings or facilities, so long as each project of a cost of greater than ninety thousand dollars (\$90,000) or each project to purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds fifty

1 thousand dollars (\$50,000) is ~~reviewed by the commission for~~
 2 ~~higher education and~~ approved by the governor, on
 3 recommendation of the budget agency.

4 (5) Any available funds derived from gifts, bequests, devises, or
 5 from any other source not listed in provisions (1) through (4) of
 6 this section, so long as each project to construct buildings or
 7 facilities of a cost of greater than ninety thousand dollars
 8 (\$90,000) or each project to purchase or lease-purchase land,
 9 buildings, or facilities the principal value of which exceeds fifty
 10 thousand dollars (\$50,000) is ~~reviewed by the commission for~~
 11 ~~higher education and~~ approved by the governor, on
 12 recommendation of the budget agency.

13 SECTION 3. IC 20-12-5.5-7 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) As used in this
 15 section, "qualified energy savings project" means a facility alteration
 16 designed to reduce energy consumption costs or other operating costs,
 17 including the following:

18 (1) Providing insulation of the facility and systems within the
 19 facility.

20 (2) Installing or providing for window and door systems,
 21 including:

22 (A) storm windows and storm doors;

23 (B) caulking or weatherstripping;

24 (C) multiglazed windows and doors;

25 (D) heat absorbing or heat reflective glazed and coated
 26 windows and doors;

27 (E) additional glazing;

28 (F) reduction in glass area; and

29 (G) other modifications that reduce energy consumption.

30 (3) Installing automatic energy control systems.

31 (4) Modifying or replacing heating, ventilating, or air conditioning
 32 systems.

33 (5) Unless an increase in illumination is necessary to conform to
 34 Indiana laws or rules or local ordinances, modifying or replacing
 35 lighting fixtures to increase the energy efficiency of the lighting
 36 system without increasing the overall illumination of a facility.

37 (6) Providing for other energy conservation measures that reduce
 38 energy consumption or reduce operating costs.

39 (b) As used in this section, "qualified provider" means a person or
 40 business experienced in the design, implementation, and installation of
 41 energy and operational cost savings systems.

42 (c) As used in this section, "energy cost savings contract" means a
 43 contract between a higher education institution and a qualified provider
 44 for the implementation of at least one (1) qualified energy savings
 45 project and related measures.

46 (d) A higher education institution may undertake a qualified energy
 47 savings project as provided in this section. If the part of the qualified

energy savings project related to real property improvements is greater than five hundred thousand dollars (\$500,000), the project must be reviewed by the commission for higher education and approved by the governor and the budget director on the recommendation of the budget committee. A qualified energy savings project does not require the prior approval of the general assembly, notwithstanding the source of payment for the project or bonds issued to fund the project.

(e) A higher education institution may submit a request for proposals to qualified providers for an energy cost savings contract and may enter into an energy cost savings contract with a qualified provider under this section. The contract must provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time. The contract may provide that energy cost savings are guaranteed by the qualified provider to the extent necessary to make payments for the qualified energy savings project. A qualified provider shall provide a sufficient bond to the higher education institution for the installation and the faithful performance of all the measures included in the contract. The contract may also include contracts for building operation programs and maintenance and management or similar agreements with the qualified provider to reduce energy or operational costs.

(f) A request for proposals must include the following:

- (1) The name and address of the higher education institution.
- (2) The name, address, title, and phone number of a contact person.
- (3) The date, time, and place where proposals must be received.
- (4) Evaluation criteria for assessing the proposals.
- (5) A reasonably functional description of the facilities to be covered by the request for proposals or the maximum dollar cost of the qualified energy savings project subject to the request for proposals, or both.
- (6) Any other stipulations and clarifications the higher education institution may require.

(g) The higher education institution shall select the qualified provider and enter into an energy cost savings contract or contracts for a qualified energy savings project that best meets the needs of the higher education institution. The higher education institution shall provide public notice of the meeting at which it proposes to award an energy cost savings contract by publication one (1) time, at least ten (10) days in advance, in newspapers described in IC 4-1-5-1. The public notice must disclose the names of parties to the proposed energy cost savings contract and contain a reasonably functional description of the qualified energy savings project and the measures covered by the contract and project.

(h) After reviewing proposals submitted under this section, a higher education institution may enter into energy cost savings contracts with a qualified provider if the higher education institution reasonably expects that the cost of a qualified energy savings project recommended

1 in the proposal would not exceed the amount to be saved in either
2 energy or operational costs, or both, within the ten (10) year period
3 following the date installation is complete if the recommendations in
4 the proposal are followed. An energy cost savings contract may also
5 include a guaranty from the qualified provider to the higher education
6 institution that either the energy or operational cost savings, or both,
7 will meet or exceed the cost of the energy cost savings projects not later
8 than ten (10) years after the date installation is complete.

9 (i) Energy cost and operational savings realized from a qualified
10 energy savings project and an energy cost savings contract shall not
11 reduce the amount of state appropriations otherwise available to the
12 higher education institution."

13 Renumber all SECTIONS consecutively.

(Reference is to ESB 202 as printed March 15, 2005.)

Representative Cherry